IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 23557 of 2004

Between:

M. Saraswathi, W/o. M. Padmanabha Reddy,
Alldena Village, Veerapunayani Palli Mandal, Cuddapah District.

.... PETITIONER

AND

1 The Revenue Divisional Officer, Cuddapah, Cuddapah

District.
2 The Mandal Revenue Officer, Veerapunayani Mandal,

Kadapah District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in Ref. C/993/2004, dt. 13.12.2004 issued by the 1st respondent as arbitrary, illegal, politically motivated, colorable exercise of power, contrary to the provisions of the A.P. State Public Distribution System Control Order, 2001 and violative of the Principles of Natural Justice apart from being violative of the Fundamental Rights guaranteed to the petitioner under Articles 14, 19 (1) (g) and 21 of the Constitution of India and consequently set aside the same and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.V.R.REDDY KOVVURI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

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ORDER :

Petitioner was appointed as a dealer of a fair price shop on temporary basis. Her authorization was cancelled by the first respondent through proceedings, dated 13.12.2004. The same is challenged in this writ petition.

2. It is contended by the learned counsel for the petitioner that the impugned order cannot be sustained, for the reason that the petitioner was not issued the show-cause notice, nor any enquiry was held by the first respondent. He contends that apart from being violative of principles of natural justice, the impugned order is contrary to clause 5(4) of the A.P. Public Distribution System Control order, 2001 (for short “Control Order”).

3. Learned Government Pleader for Civil Supplies, on the other hand, submits that the very order of appointment of the petitioner contained a Clause to the effect that the dealership is liable to be cancelled without any notice and that the procedure stipulated under clause 5(4) of the Control Order does not apply to cases of temporary dealerships.

4. The question whether the provisions of the Control order, in particular, the procedure under Clause 5(4) of the Control Order applies to temporary dealerships, needs to be considered at the appropriate stage. As of now, petitioner has an effective remedy of appeal under Clause 20 thereof. The writ petition cannot be entertained straightaway when there is an effective alternative remedy.

5. Hence the writ petition is disposed of leaving it open to the petitioner to avail the remedy of appeal before the Joint Collector. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 22.12.2004

Note:- Issue C.C in two days.

(B/o)

RAR/TS

To

1 The Revenue Divisional Officer, Cuddapah, Cuddapah

District.

2 The Mandal Revenue Officer, Veerapunayani Mandal,

Kadapah District.

3 2 CCs to G.P for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

4 2 CD copies